

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

WILLIAM A. HILLMAN, JR.

PETITIONER

VS.

CIVIL ACTION NO. 5:11-cv-6(DCB)  
Criminal No. 5:08-cr-25(DCB)(JCS)

UNITED STATES OF AMERICA

RESPONDENT

ORDER

This cause is before the Court on the petitioner's motion for default judgment (**docket entry 44**) or in the alternative for summary judgment (**docket entry 45**) based on the government's failure to comply with "this Court's ORDER in that it has failed to respond to, or otherwise address Petitioner's MOTION." (Petitioner's Motion, p. 1). The petitioner is mistaken in that no Order has been issued by the Court requiring a response to the petitioner's motion to vacate under 28 U.S.C. § 2255. The motion for default judgment or in the alternative for summary judgment shall therefore be denied. Pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, and having reviewed the petitioner's Motion to Vacate Under 28 U.S.C. § 2255, the Court now finds that a response to the motion by the government is required. Accordingly,

IT IS HEREBY ORDERED that the petitioner's motion for default judgment (**docket entry 44**) or in the alternative for summary judgment (**docket entry 45**) is DENIED;

FURTHER ORDERED that the United States Attorney shall file a response to the petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence in criminal action no. 5:08-cr-25(DCB)(JCS), within forty-five (45) days from the date of entry of this Order.

SO ORDERED, this the 30th day of November, 2011.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE